

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
EASTERN DIVISION**

CAMPBELL PROPERTY  
MANAGEMENT, LLC,

Plaintiff,

V.

HISCOX, INC.

Defendant.

.....

CIVIL ACTION NO. \_\_\_\_\_

## NOTICE OF REMOVAL

Defendant Lloyd's Syndicate 3624 ("Hiscox")<sup>1</sup> files this Notice of Removal of this action from the District Court of Cass County, North Dakota, pursuant to 28 U.S.C §§ 1441(b) and 1446. The grounds supporting this removal are as follows:

## THE STATE COURT ACTION, PARTIES, AND PLEADINGS

1. Plaintiff Campbell Property Management, LLC ("CPM") commenced a civil action against Hiscox on or about October 26, 2018, in the East Central Judicial District of Cass County, North Dakota (the "State Court Action"). The State Court Action is a "civil action" within the meaning of federal law relating to removal of cases. A true and correct copy of the complaint in the State Court

<sup>1</sup> Hiscox was erroneously sued as "Hiscox, Inc."

Action is attached as Exhibit "A." Exhibit "A" comprises all process, pleadings, and orders served upon Hiscox.

2. Hiscox was served through its registered agent on October 29, 2018, and it otherwise received a copy of the complaint in the State Court Action on November 1, 2018. True and correct copies of the notice of service of process and certificate of service are attached as Exhibit "B."

3. Hiscox has not yet filed a responsive pleading in the State Court Action, as the period for Hiscox to do so has not yet expired.

4. The State Court Action arises out of an insurance coverage dispute between CPM and Hiscox regarding various claims made against CPM arising out of the alleged embezzlement of funds by CPM's controller. The insurance policy Hiscox issued to CPM does not provide coverage for those claims, and Hiscox denied coverage accordingly. In the State Court Action, CPM asserts claims for breach of contract and breach of the duties of good faith and fair dealing arising out of that disclaimer of coverage.

### **JURISDICTION AND VENUE**

5. This Court has original jurisdiction over this action under 28 U.S.C. § 1332(a) and removal jurisdiction over this action under 28 U.S.C. § 1441(a).

6. CPM is a limited liability company organized under North Dakota law, and its principal place of business is in Fargo, North Dakota. (Compl. ¶ 2.)

For purposes of diversity jurisdiction, CPM is a citizen of North Dakota.

7. At all pertinent times, Hiscox was, and still is, one of several syndicates who severally underwrite insurance in the insurance market commonly known as Lloyd's of London, England ("Lloyd's"). Hiscox is wholly backed by Hiscox Dedicated Corporate Member Ltd., which is a corporation registered, domiciled, and with its principal place of business in the United Kingdom.<sup>2</sup> (Decl. of Helen Weinstein ¶ 4.<sup>3</sup>) For purposes of diversity jurisdiction, Hiscox is a citizen of the United Kingdom.

8. Hiscox and CPM therefore are diverse from one another.

9. The amount in controversy exceeds \$75,000, exclusive of interests and costs. (Compl. ¶¶ 4, 36, 42.)

10. This Court is the United States District Court for the district and division where the State Court Action is pending. Venue therefore is proper in this Court pursuant to 28 U.S.C. § 1441(a).

#### **NOTICE OF REMOVAL IS TIMELY**

11. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b),

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<sup>2</sup> The erroneously named party "Hiscox, Inc." is a corporation incorporated under Delaware law, and its principal place of business is in New York. (Compl. ¶ 3; Weinstein Decl. ¶ 7.) For purposes of diversity jurisdiction, Hiscox, Inc. is a citizen of both Delaware and New York. Hiscox, Inc. and CPM therefore are diverse from one another.

<sup>3</sup> A copy of this Declaration is attached as Exhibit "C."

because it is filed within thirty days after the date Hiscox was served with or otherwise received a copy of the complaint in the State Court Action.

**NOTICE FILED IN STATE COURT**

12. Pursuant to 28 U.S.C. § 1446(d) written notice of the filing of this Notice of Removal will be given to CPM's counsel of record, and a copy of the Notice of Removal will be filed with the Clerk of Court for the District Court of Cass County, North Dakota.<sup>4</sup>

For these reasons, Hiscox respectfully requests that the State Court Action be removed to this Court.

Respectfully submitted, this 19<sup>th</sup> day of November, 2018.

**CAHILL LAW OFFICE, P.A.**

\_\_\_\_\_/s/ Scott M. Strand  
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<sup>4</sup> CPM has not yet filed its Complaint in the State Court Action. Unlike Federal Rule of Civil Procedure 3, the North Dakota Rules of Civil Procedure specify that an action is commenced by *service* of a complaint, not *filing* of a complaint. Compare N.D. R. Civ. P. 3 *with* Fed. R. Civ. P. 3.

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INC."**